

1 LABONI A. HOQ (SBN 224140)  
2 *laboni@hoqlaw.com*  
HOQ LAW APC  
3 P.O. Box 753  
South Pasadena, California 91030  
4 Telephone: (213) 973-9004

5 EVA BITRAN (SBN 302081)  
*ebitran@aclusocal.org*  
6 ACLU FOUNDATION OF SOUTHERN CALIFORNIA  
1313 West Eighth Street  
7 Los Angeles, California 90017  
Telephone: (213) 977-9500  
Facsimile: (213) 915-0219

8 Attorneys for Plaintiff  
9 (*additional counsel information on next page*)

10 **UNITED STATES DISTRICT COURT**  
11 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

12 AMERICAN CIVIL LIBERTIES  
13 UNION FOUNDATION OF  
14 SOUTHERN CALIFORNIA,  
15 *Plaintiff,*

16 v.

17 UNITED STATES IMMIGRATION  
18 AND CUSTOMS ENFORCEMENT,  
UNITED STATES DEPARTMENT  
OF HOMELAND SECURITY,

19 *Defendants.*

20 Case No. 2:22-CV-04760-SHK

21 **PLAINTIFF'S STATEMENT OF**  
**UNCONTROVERTED FACTS IN**  
**SUPPORT OF MOTION FOR**  
**PARTIAL SUMMARY JUDGMENT**  
**AGAINST DEFENDANT U.S.**  
**IMMIGRATION AND CUSTOMS**  
**ENFORCEMENT**

22 Honorable Shashi H. Kewalramani  
23 United States Magistrate Judge

1 EUNICE CHO (*pro hac vice*)  
2 *echo@aclu.org*

2 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
3 NATIONAL PRISON PROJECT  
3 915 Fifteenth Street NW, 7th Floor  
4 Washington, DC 20005  
4 Telephone: (202) 548-6616

5 KYLE VIRGIEN (SBN 278747)  
6 *kvirgien@aclu.org*

6 AMERICAN CIVIL LIBERTIES UNION FOUNDATION  
7 NATIONAL PRISON PROJECT  
7 425 California St., Suite 700  
8 San Francisco, CA 94104  
8 Telephone: (202) 393-4930

9 *Attorneys for Plaintiff*

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*ACLU of Southern California v. U.S. ICE, et al.,*

28 Case No. 2:22-CV-04760-SHK

PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS

**PLAINTIFF'S STATEMENT OF UNCONTROVERTED FACTS IN  
SUPPORT OF MOTION FOR PARTIAL SUMMARY JUDGMENT  
AGAINST DEFENDANT U.S. IMMIGRATION AND CUSTOMS  
ENFORCEMENT**

1. Plaintiff submitted its FOIA request (“Request”) to Defendant ICE on April 29, 2022, seeking information about ICE’s practice of deathbed releases of immigration detainees.

*Evidence:* ECF No. 1-1 (FOIA Request).

2. In a March 4, 2021 email, ICE's Field Operations Division directed the "LOS" Field Office "to begin the necessary paperwork for a death notification in the event of [Mr. Vargas's] demise."

*Evidence:* Email chain dated Mar. 4, 2021, Ex. V, Cho Decl. at Bates 13390.

3. The Department of Homeland Security Office of Civil Rights and Civil Liberties (CRCL) issued a memorandum to 13 named ICE staff related to an investigation it had conducted at the Adelanto ICE Processing Center including into a complaint regarding ICE's release of Mr. Vargas Arellano, requesting: "ICE provide a response to CRCL 60 days whether it concur or non-concur with these recommendations. If ICE concurs, please include an action plan."

*Evidence:* Memorandum from Dana Salvano-Dunn, Ex. W, Cho Decl. at 1, 8–10.

4. According to ICE ERO Directive No. 11853.3, *Significant Detainee Illness* (SDI Directive), ICE maintains an “SDI list” that includes cases of detainees where there is “significant coordination required to repatriate or to release a detainee/resident in the United States due to their medical condition.”

*Evidence:* Exhibit A to Pl.’s Jun. 26, 2023 Letter, ICE, ICE ERO Directive No. 11853.3, *Significant Detainee Illness*, Dec. 1, 2015, Ex. P, Cho Decl. at Bates No. 2047.

- 1       5. The SDI Directive describes a “SDI meeting” as “a collaborative effort  
2       involving IHSC, ERO Field Operations, and the Office of the Principal Legal  
3       Advisor (OPLA).”

4       *Evidence:* Exhibit A to Pl.’s Jun. 26, 2023 Letter, ICE, ICE ERO Directive No.  
5       11853.3, *Significant Detainee Illness*, Dec. 1, 2015, Ex. P, Cho Decl., at Bates  
6       No. 2047.

- 7       6. The Department of Homeland Security has described ICE’s Joint Intelligence  
8       Operations Center (JIOC) as “ICE’s JIOC “a round-the-clock facility that  
9       monitors significant event reports from ICE personnel, distributes information  
10      as appropriate throughout ICE, and briefs ICE leadership on important past  
11      and prospective events.”

12       *Evidence:* DHS, *Privacy Impact Assessment for the Significant Event*  
13       *Notification (SEN) System* 2 n.4, Oct. 15,  
14       2021, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice023a-sen-october2021.pdf> [<https://perma.cc/7EEE-A6JW>].

- 16       7. The Department of Homeland Security has described ICE JIOC’s involvement  
17       with Significant Event Reports (SIRS). It has stated that JIOC “analyzes the  
18       SIRS and sends summaries of them to the appropriate . . . field offices.”

19       *Evidence:* DHS, *Privacy Impact Assessment for the Significant Event*  
20       *Notification (SEN) System* 1-2, Oct. 15,  
21       2021, <https://www.dhs.gov/sites/default/files/publications/privacy-pia-ice023a-sen-october2021.pdf> [<https://perma.cc/7EEE-A6JW>].

- 24       8. As of April 2, 2022, ICE’s Pandemic Response Requirements required  
25       facilities to “[e]valuate all new admissions within five days of entering ICE  
26       custody to determine whether the detainees fall within . . . the subclasses

certified in *Fraihat*,” to enter data into ICE’s “*Fraihat* Compliance System platform,” and, when someone at risk for COVID complications tested positive for COVID, complete their documentation “on the latest version of the IHSC *Fraihat* Compliance System spreadsheet.”

*Evidence:* ICE, ERO COVID-19 Pandemic Response Requirements, at 9–14, 17 (Version 8.0, Apr. 2, 2022),

<https://www.ice.gov/doclib/coronavirus/eroCOVID19responseReqsCleanFacilities-v8.pdf> [https://perma.cc/3JDD-AQZ8].

9. As an ICE employee testified in a 2021 deposition, The “only place where  
10 [ICE was] actually capturing [COVID] hospitalization [data] is on the *Fraihat*  
11 [spreadsheets].”

*Evidence:* Pl.’s May 19, 2023 Letter, Excerpts of Deposition of Jennifer Moon,  
13 163:4-10, Ex. T, Cho Decl. at 11.

14. As of November 2, 2023, “[i]ndividuals at ICE who are subject matter experts  
15 on the information requested [in Part 9 of Plaintiff’s FOIA request] believe[d]  
16 that the custodians most likely to possess responsive records [we]re the  
17 Regional Field Medical Coordinators and the Regional Health Service  
18 Administrators within IHSC.” There were nine such people.

*Evidence:* Defs.’ Nov. 2, 2023 Letter, Ex. K, Cho Decl. at 5–6.

20. As of November 2, 2023, ICE had proposed to search for documents  
21 responsive to Part 9 of Plaintiff’s FOIA request by searching IHSC’s Regional  
22 Field Medical Coordinators’ and Regional Health Service Administrators’  
23 records using the following search:

(bill! OR invoice! OR charges OR payment OR benefits) AND  
(discharge OR transfer OR custody OR release OR Medicare OR  
PRUCOL OR “Martin Vargas Arellano” OR “Teka Gulema” OR

1           “Jose Ibarra Bucio” OR “Johana Medina Leon” OR “Jonathan  
2           Alberto Medina Leon”)

3           *Evidence:* Defs.’ Nov. 2, 2023 Letter, Ex. K, Cho Decl. at 5–6.

4           12. As of November 9, 2023, the parties were in agreement that ICE would search  
5           for documents responsive to Part 9 of Plaintiff’s FOIA request by searching  
6           IHSC’s Regional Field Medical Coordinators’ and Regional Health Service  
7           Administrators’ records using the following search:

8           (bill! OR invoice! OR charges OR payment OR benefits) AND  
9           (discharge OR transfer OR custody OR release OR Medicare OR  
10           PRUCOL OR “Martin Vargas Arellano” OR “Teka Gulema” OR  
11           “Jose Ibarra Bucio” OR “Johana Medina Leon” OR “Jonathan  
12           Alberto Medina Leon”)

13           The Court cited this agreement in a December 8, 2023 order, and Plaintiff  
14           cited it in a March 1, 2024 status report.

15           *Evidence:* Defs.’ Nov. 2, 2023 Letter, Ex. K, Cho Decl. at 5–6; Pl.’s Nov. 9,  
16           2023 Letter, Ex. J, Cho Decl. at 5; ECF No. 62 at 11; ECF No. 70 at 12.

17           13. ICE has never searched IHSC’s Regional Field Medical Coordinators’ and  
18           Regional Health Service Administrators’ records using the following search:

19           (bill! OR invoice! OR charges OR payment OR benefits) AND  
20           (discharge OR transfer OR custody OR release OR Medicare OR  
21           PRUCOL OR “Martin Vargas Arellano” OR “Teka Gulema” OR  
22           “Jose Ibarra Bucio” OR “Johana Medina Leon” OR “Jonathan  
23           Alberto Medina Leon”)

24           *Evidence:* Search Summary, Ex. A, Cho. Decl. at 11.

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27           *ACLU of Southern California v. U.S. ICE, et al.,*

28           Case No. 2:22-CV-04760-SHK

PLAINTIFF’S STATEMENT OF UNCONTROVERTED FACTS

1 Dated: February 26, 2025

Respectfully submitted,

2  
3 */s/ Laboni Hoq*  
4 LABONI A. HOQ (SBN 224140)  
5 laboni@hoqlaw.com  
6 HOQ LAW APC  
7 P.O. Box 753  
8 South Pasadena, California 91030  
9 Tel.: (213) 973-9004

10  
11 EVA BITRAN (SBN 302081)  
12 *ebitran@aclusocal.org*  
13 ACLU FOUNDATION OF SOUTHERN  
14 CALIFORNIA  
15 1313 West Eighth Street  
16 Los Angeles, California 90017  
17 Tel.: (213) 977-9500  
18 Fax: (213) 915-0219

19 EUNICE CHO (Pro Hac Vice)  
20 *echo@aclu.org*  
21 AMERICAN CIVIL LIBERTIES  
22 UNION FOUNDATION  
23 915 Fifteenth Street NW, 7th Floor  
24 Washington, DC 20005  
25 Tel.: (202) 548-6616

26 KYLE VIRGIEN (SBN 278747)  
27 *kvirgien@aclu.org*  
28 AMERICAN CIVIL LIBERTIES  
UNION FOUNDATION  
425 California Street, Suite 700  
San Francisco, CA 94104  
Tel.: (202) 393-4930

19  
20 *Attorneys for Plaintiff*

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